IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 650 OF 1999

Dilip Raghunath Joshi ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Petitioner in person present.
Mr.Y.S. Shinde, APP for State.

CORAM : V.M. KANADE, J.

DATED : AUGUST 22, 2007

P.C. :-

. Heard the petitioner in person and the learned APP for the State.

2. The petitioner takes exception to the order passed by the trial Court on the private complaint filed by the petitioner. It is stated in the said complaint that an application was made by the accused for dismissing the complaint under Section 203 of Cr.P.C. on the ground that on the very same facts, the complainant had filed a criminal case against nine accused and that the said complaint was still pending. The JMFC, Miraj, accepted the submission by the accused respondents in the said complaint and dismissed the

complaint under Section 203 by holding that the second complaint of the similar facts is not maintainable. The learned Magistrate observed that under provisions of 219 of Cr.P.C., the Court could club two or three offences of the same kind together. Shri Joshi - petitioner in person submits that these offences have been committed by the office bearers of the trust two years after the initial offence had been committed. He submits that therefore, provisions of 219 cannot be applicable to the facts of the present case. The said submission cannot be accepted. The petitioner can always make an application under Section 319 of the Cr.P.C. for the purpose of issuing process against those persons who are also involved in the said offence. It is the case of the petitioner in person that certain documents were made available to him after proceedings were commenced before the Charity Commissioner and therefore, the second complaint had been filed.

3. In my view, it is always open for the complainant to bring on record the subsequent developments and if the Court is satisfied about the

involvement of any other persons on the basis of evidence which is brought on record, the Court is competent to issue process against the other accused. In view of this, I do not see any reason to interfere with the impugned order passed by the JMFC, Miraj.

4. Liberty is granted to the petitioner to take such steps for the purpose of adding these respondents as accused in a criminal case which is already pending in the trial Court.

5. If such an application is made, the trial Court to decide the same on merits and in accordance with law.

. Writ Petition is disposed of.

(V.M. KANADE, J.)